REMARKS

Claims 1-4, 6-7, 9-10, 12-16, 23-34, 39 and 43-54 are pending in the present application. By this Amendment, the specification is amended; claims 8, 17-22, 35-38 and 40-42 are cancelled; claims 1, 12, 23, 26, 33-34 and 44 are amended; and claims 45-54 are added. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

I. Formal Matters:

June 23, 2003 Telephone Interview

Applicants thank Examiner Ogden for discussing the present application during a June 23, 2003 telephone interview. Applicants have amended the specification and claims as shown above as a result of the telephone interview.

Objections to Specification

Applicants have amended the specification as shown above. Applicants respectfully submit that the amendments to the specification address the objections in the March 26, 2003 Office Action. Withdrawal of the objection to the specification is respectfully requested.

Claim Rejections Under 35 U.S.C. §112, First Paragraph

Claim 12 is rejected under 35 U.S.C. §112, first paragraph, as allegedly containing new matter. Applicants have amended claim 12 as shown above. Support for the upper limit of 70 Cps. is provided by Examples 2-3 of the specification. Applicants have submitted a Declaration Under 37 CFR §1.132 signed by one of the present inventors, which makes it clear that the viscosity of Examples 2-3 provide support for the upper limit of 70 Cps.

Applicants respectfully submit that the amendments to claim 12 address the alleged new matter issue. Further, Applicants respectfully submit that the present amendments to claim 12 do not constitute new matter. Withdrawal of this rejection is respectfully requested.

II. Prior Art Rejections:

Claims 1-4, 6-10, and 12-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,981,457 issued to Ahmed (hereinafter "Ahmed"). This rejection is respectfully traversed.

Applicants' claimed invention, embodied in independent claim 1, is drawn to a method of cleaning a hard surface comprising, *inter alia*, **spraying** a non-corrosive, low-fuming composition onto the surface, said composition comprising:

(a) from about 3.0 wt-% to about 20.0 wt-% of at least one detergent builder selected from tripolyphosphates;

(b) from about 0.1 wt-% to about 20 wt-% of an alkalinity source effective to provide a pH of from about 10 to about 14 to said composition;

(c) from about 0.0 wt-% to about 5.0 wt-% of at least one thickening agent to promote adhesion of said thickened, non-corrosive composition to the surface upon application;

(d) from about 0.0 wt-% to about 5 wt-% of fatty acid stabilizer to maintain a homogenous mixture of said at least one detergent builder, at least one thickening agent, and alkalinity source;

(e) from about 0.0 wt-% to about 5.0 wt-% of an anionic surfactant effective to provide detergency to the thickened, non-corrosive low-fuming composition said anionic surfactant selected from the group consisting of an alkyl sulfate, an alkyl sulfonate, a disulphonate compound, an alkyl ether sulfate, an alkyl ether sulfonate, an alkyl aryl sulfonate, and mixtures thereof;

(f) from about 0.0 wt-% to about 2.0 wt-% of a metal ion chelator; and

(g) a balance of water; wherein the composition is substantially free of chlorine.

Applicants' claimed invention, embodied in independent claim 10, is drawn to a **sprayable** thickened, hard surface cleaning composition comprising, *inter alia*, (a) from about 0.1 wt-% to 20.0 wt-% of at least one detergent builder selected from tripolyphosphates, salts of alkali metal borates, phosphates, carbonates and bicarbonates, and mixtures thereof; (b) from about 0.1 wt-% to 5 wt-% of at least one thickening agent effective to provide increased viscosity; (c) from about 0.1 wt-% to 3.0 wt-% of an alkali metal hydroxide to provide a pH of

about 10 to 14; (d) from about 0.5 wt-% to 5.0 wt-% of an anionic surfactant to provide detergency to the composition; (e) from about 0.0 wt-% to 5 wt-% of a fatty acid stabilizer effective to maintain a homogenous mixture of said at least one detergent builder, at least one thickening agent, and alkali metal hydroxide; (f) from about 0.0 wt-% to about 2.0 wt-% of a metal ion chelator; and (g) a balance of water; wherein said composition is substantially free of chlorine.

Applicants' claimed invention, embodied in independent claim 23, is drawn to a method of cleaning a hard surface, said method comprising, *inter alia*, applying a sprayable non-corrosive, low-fuming composition to the surface, said composition **consisting essentially of**:

(a) from about 0.1 wt-% to about 20.0 wt-% of at least one detergent builder selected from tripolyphosphates; salts of alkali metal borates, phosphates, carbonates and bicarbonates; and mixtures thereof;

(b) from about 0.1 wt-% to about 20 wt-% of an alkalinity source effective to provide a pH of from about 10 to about 14 to said composition;

(c) from about 0.0 wt-% to about 5.0 wt-% of at least one thickening agent to promote adhesion of said thickened, non-corrosive composition to the surface upon application;

(d) from about 0.5 wt-% to about 5.0 wt-% of an anionic surfactant effective to provide detergency to the thickened, non-corrosive low-fuming composition said anionic surfactant selected from the group consisting of an alkyl sulfate, an alkyl sulfonate, a disulphonate compound, an alkyl ether sulfate, an alkyl ether sulfonate, an alkyl aryl sulfonate, and mixtures thereof;

(e) from about 0.0 wt-% to about 2.0 wt-% of a metal ion chelator;

(f) an optional dye; and

(g) water.

As shown above, Applicants' independent claim 1 is directed to a method of cleaning a hard surface, wherein one step in the claimed method includes spraying a non-corrosive, low-fuming composition onto a hard surface using a sprayable composition. Applicants' independent claim 10 is directed to a sprayable composition for cleaning a hard surface. Further, Applicants' independent claim 23 is directed to a method of cleaning a hard surface, wherein one step in the claimed method includes applying a non-corrosive, low-fuming

composition onto a hard surface using a sprayable composition that consists essentially of specific components.

The teaching of Ahmed is directed to concentrated liquid gel warewash detergents. The disclosed gel compositions contain components in an amount so as to form a liquid gel. Such components include from about 0.1 wt% to about 2 wt% of a neutralized crosslinked hydrophilic polycarboxylate thickening agent, from about 0 wt% to about 15 wt% of a noncrosslinked polyacrylate, and from about 0.1 wt% to about 2 wt% of a hydrogen bonding agent for the polycarboxylate thickening agent. The disclosed compositions desirably contain a chlorine bleach compound to provide up to 5 wt% of available chlorine (Ahmed, column 2, lines 34-48, and column 6, line 63 to column 7, line 22). The disclosed compositions are specifically prepared for use in warewash machines, and are specifically formulated in a concentrated liquid gel form so that the compositions can be accurately metered into warewash machines (see Ahmed, Abstract).

The disclosed gel compositions of Ahmed are not sprayable. In fact, the teaching of Ahmed teaches away from sprayable compositions by specifically teaching concentrated liquid gel compositions, which "can be accurately dispensed using a metered dispenser such as peristaltic pump" (Ahmed, column 2, lines 34-50). In the Examples, Ahmed discloses various liquid gel compositions having viscosities to provide a gel-like consistency. The lowest viscosity disclosed in the various liquid gel compositions is 2500 cps (samples 40-4 and 69-2).

The teaching of Ahmed fails to teach or suggest Applicants' claimed invention. In particular, the teaching of Ahmed fails to teach or suggest (i) a method of cleaning a hard surface, wherein one step includes **spraying** a non-corrosive, low-fuming composition onto a hard surface **using a sprayable composition** (claim 1); (ii) a sprayable composition for cleaning a hard surface (claim 10); and (iii) a method of cleaning a hard surface, wherein one step includes applying a non-corrosive, low-fuming composition onto a hard surface using a sprayable composition that consists essentially of specific components as recited in claim 23. There is no suggestion in the teaching of Ahmed to one of ordinary skill in the art to (i) prepare sprayable cleaning compositions, (ii) use sprayable cleaning compositions, or (iii) prepare cleaning compositions as recited in claim 23 (i.e., consisting essentially of certain components).

Given that the teaching of Ahmed fails to teach or suggest Applicants' claimed methods and cleaning compositions as featured in each of Applicants' independent claims 1, 10 and 23, the teaching of Ahmed cannot make obvious Applicants' claimed invention embodied in independent claims 1, 10 and 23. Since claims 2-4, 6-7, 9, 12-16, 24-34, 39 and 43-44 depend from independent claims 1, 10 and 23, and recite additional claim features, the teaching of Ahmed cannot make obvious claims 2-4, 6-7, 9, 12-16, 24-34, 39 and 43-44. Accordingly, Applicants respectfully request withdrawal of this rejection.

It should be further noted that the teaching of Ahmed also fails to teach or suggest at least the following claim features recited in the following claims:

(1) a method of applying a cleaning composition to a substantially vertical surface (claim 2);

(2) a method of applying a cleaning composition to a substantially vertical surface, wherein at least about 75 wt-% of the cleaning composition adheres to the substantially vertical surface for a time period up to about 30 minutes (claim 2);

(3) a sprayable cleaning composition having a viscosity ranging from about 30 to about 70 Cps. at 25°C (claim 12);

(4) a method of applying a cleaning composition to a hard surface, wherein the composition comprises at least one thickening agent comprising one or more expandable clays (claim 27);

(5) a sprayable cleaning composition comprising at least one thickening agent comprising one or more expandable clays (claim 31);

(6) a sprayable cleaning composition comprising at least one thickening agent comprises a xantham gum (claim 32);

(7) a sprayable cleaning composition *consisting essentially of*: (a) from about 0.1 wt-% to about 20.0 wt-% of at least one detergent builder selected from tripolyphosphates; salts of alkali metal borates, phosphates, carbonates and bicarbonates; and mixtures thereof; (b) from about 0.1 wt-% to about 5 wt-% of at least one thickening agent effective to provide increased viscosity; (c) from about 0.1 wt-% to about 3.0 wt-% of an alkali metal hydroxide to provide a pH of about 10 to about 14; (d) from about 0.5 wt-% to about 5.0 wt-% of an anionic surfactant to provide detergency to the composition; (e) from about 0.0 wt-% to about 5 wt-% of a fatty

acid stabilizer effective to maintain a homogenous mixture of said at least one detergent builder, at least one thickening agent, and alkali metal hydroxide; (f) from about 0.0 wt-% to about 2.0 wt-% of a metal ion chelator; and (g) water (claim 33);

(8) a sprayable cleaning composition *consisting essentially of*: (a) from about 3.0 wt-% to about 13.0 wt-% of at least one detergent builder selected from tripolyphosphates; (b) from about 0.1 wt-% to about 5 wt-% of at least one thickening agent comprising one or more polycarboxylate polymers; (c) from about 0.1 wt-% to about 3.0 wt-% of an alkali metal hydroxide to provide a pH of about 10 to about 14; (d) from about 0.5 wt-% to about 5.0 wt-% of an anionic surfactant comprising an alkyl sulfate, an alkyl aryl sulfonate, or a mixture thereof; (e) from about 0.0 wt-% to about 5 wt-% of a fatty acid stabilizer effective to maintain a homogenous mixture of said at least one detergent builder, at least one thickening agent, and alkali metal hydroxide; (f) from about 0.0 wt-% to about 2.0 wt-% of a metal ion chelator; and (g) water (claim 34);

(9) a method of applying a cleaning composition to a hard surface, wherein the composition comprises at least one thickening agent comprising one or more expandable clays (claim 38).

III. New Claims 45-54:

New claims 45-54 are directed to further embodiments of Applicants' claimed invention. New claims 45-49 depend from independent claim 1 as described above. New claims 45-49 are allowable over the art of record for at least the reasons given above with regard to independent claim 1. New claims 50-51 depend from independent claim 23 as described above. New claims 50-51 are allowable over the art of record for at least the reasons given above with regard to independent claim 23.

New independent claim 52 is directed to a thickened hard surface cleaning composition **consisting essentially of**: (a) from about 0.1 wt-% to about 20.0 wt-% of at least one detergent builder selected from tripolyphosphates; salts of alkali metal borates, phosphates, carbonates and bicarbonates; and mixtures thereof; (b) from about 0.1 wt-% to about 5 wt-% of at least one thickening agent effective to provide increased viscosity; (c) from about 0.1 wt-% to about 3.0 wt-% of an alkali metal hydroxide to provide a pH of about 10 to about 14; (d) from

about 0.5 wt-% to about 5.0 wt-% of an anionic surfactant to provide detergency to the composition; (e) from about 0.0 wt-% to about 2.0 wt-% of a metal ion chelator; (f) an optional dye; and (g) water. New claims 53-54 depend from new independent claim 52 and recite additional claim features. New claims 52-54 are allowable over the art of record for at least the reasons given above with regard to independent claims 1, 10 and 23.

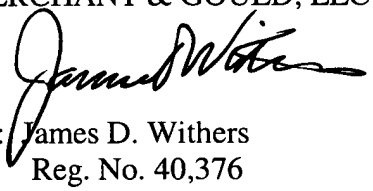
IV. Conclusion:

For at least the reasons given above, Applicants submit that claims 1-4, 6-7, 9-10, 12-16, 23-34, 39 and 43-54 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 13-2725.

Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,
MERCHANT & GOULD, LLC



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